

# **TOWN OF AMHERST BOARD OF HEALTH REGULATIONS**

## **Regulations for Refuse Collection and Mandatory Recycling**

These regulations are promulgated under the authority of M.G.L. c. 111, ss.31, 31 A, 31 B and 150 A, M.G.L. c. 40 A through 44 F, Site Assignment Regulations for Solid Waste Facilities (310 CMR 16.00) and (310 CMR 19.00) Part III: Transfer Station Design and Operations Standards Chapter 105 (Sections 400.00 - 411.00 of the State Sanitary Code, Articles I & II) of the Code of Massachusetts Regulations (CMR), and Article 3 of the Town By laws.

### **Section 1--Purpose**

To comply with [Articles I & II of the State Sanitary Code](#) and to meet the goal of integrated waste management (as described in the Third Annual Progress Report on the Beyond 2000 Solid Waste Master Plan-Commonwealth of Massachusetts Solid Waste Master Plan 1997), the Town of Amherst adopts the following regulations. These regulations provide for the collection of refuse and recyclables and the removal of items that are banned from burial or incineration that can be handled more effectively in other ways.

### **Section 2--Applicability**

These regulations apply to Owners as defined in Chapter 105, Section 410.020, of the CMR, Tenants, and Property Managers acting on behalf of Owners or Tenants of all residential, multifamily, commercial, and institutional sites in Amherst, and to Waste Haulers licensed by the Amherst Board of Health (BOH).

### **Section 3--Definitions**

Banned Waste: Waste banned from landfill disposal by the State of Massachusetts Department of Environmental Protection because of its usefulness and/or toxicity. Materials currently restricted under 310 CMR 19.017 include asphalt, brick, concrete, cathode ray tubes, button, lead and rechargeable batteries, organic yard waste, recyclable paper and containers, tires, large appliances, and clean wood.

Bulky Waste: Household waste that is too large to fit in a refuse receptacle or too heavy to be lifted by one person such as furniture, appliances, carpeting/rugs, and bicycles.

Cathode Ray Tubes (CRT) : a leaded glass tube used to provide the visual display in older-style televisions, computer monitors, and certain scientific instruments such as oscilloscopes.

Hazardous Waste: Refers to waste that can pose a substantial or potential hazard to human health or the environment when improperly managed. Typically possessing at least one of four characteristics (ignitability, corrosivity, reactivity, or toxicity), hazardous waste is defined and regulated under 310 CMR 30.00

Mixed Containers: Collected recyclable Glass/metal/aseptic and single resin plastic (#1-7) bottles, cartons, cans, tubs and jugs no greater than 2 gallons in size which have held food, beverage, personal care or detergent products Aluminum cans, pans and foil wrap are also included. All containers which have held hazardous materials are *excluded*.

Multifamily: three or more dwelling units located on the same property site.

Owner: person(s), corporations(s), partnership(s) or other legal entity that holds legal title to any premises who shall be ultimately responsible for compliance with these regulations, as defined in Chapter 105, Section 410.020, of the CMR.

Paper: Recyclable wood fiber-based material including, but not limited to, corrugated cardboard, office paper, newspaper and newspaper inserts, magazines, catalogs, junk mail, and boxboard (e.g. cereal and shoe boxes). Exclude all paper contaminated with food, chemical or animal waste, or which has wax, foil or plastic content or linings.

Refuse: putrescible or non-putrescible, combustible or noncombustible solid waste materials, including garbage and rubbish, but excluding hazardous wastes, sewage, or liquid wastes, and recyclable materials as herein defined.

Residential: property site with fewer than three dwelling units.

Tenant: person(s), corporation, partnership or other legal entity having occupancy and/or possession of any premises whether under written agreement, tenancy at will, tenancy at sufferance or otherwise.

Variance: a modification of the provisions described in these regulations that achieves the same purpose and that is approved by the BOH.

Waste Hauler: any person or business duly licensed to collect refuse within the Town of Amherst.

Yard Waste: Organic plant material generated through landscape and lawn maintenance, such as leaves, grass and hedge clippings, brush, and weeds.

#### **Section 4--Waste Haulers**

4.1 Every Waste Hauler must be duly licensed by the Amherst Health Department on an annual basis (January 1 - December 31) to operate within the Town of Amherst.

4.2 Waste Haulers must maintain an updated customer list that includes the name and addresses of their customers, the type of service (e.g. one barrel), and the pickup schedule, and provide such list to the town enforcement agent if requested.

4.3 Waste Haulers must not accept a load with greater than 5% by volume of recyclable materials. No Waste Hauler shall accept hazardous, liquid or banned waste, or sewage, unless licensed and permitted to do so. Waste Haulers must report violations of this provision to the Department of Public Works (DPW) superintendent or his/her designee.

4.4 Waste Haulers must offer residential and commercial customers recycling services and a unit-based user fee system, by weight or volume, which covers costs for waste collection and disposal.

4.5 To prevent roadside litter, collection of waste and recycling must be made in a manner that will prevent material falling to the ground.

## **Section 5--Property Owners, Managers, and Tenants**

### *Part I: Refuse Collection*

5.1 Except when a variance has been approved by the Amherst BOH or its agent, every residential, commercial, or multifamily property Owner, Manager, or Tenant, as defined in Chapter 105, Sections 410.600 A-D and 410.602 B-D, of the CMR, shall:

(A) Contract with a licensed Waste Hauler for refuse collection which provides for a weekly pickup at minimum. Pickup must be more frequent if refuse constitutes a health problem. Health problems may include evidence of strewn garbage bags or evidence of rodents.

(B) Use refuse receptacles meeting the standards defined in Chapter 105, Section 410.600(A), of the CMR (i.e., made of metal or other durable, rodent-proof material).

(C) Not place receptacles at curbside for pickup earlier than the day of collection, as per Chapter 105, Section 410.600(B), of the CMR.

(D) Contract with a licensed rendering service if discarding more than one gallon of grease per week. All grease must be stored in receptacles of metal or other durable, rodent-and waterproof material.

(E) Exclude from weekly trash collection items banned by the State of Massachusetts from landfill disposal such as asphalt, brick, concrete, cathode ray tubes, lead and rechargeable batteries, organic yard waste, recyclable paper and containers, tires, large appliances, and clean wood.

(F) Refrain from using public trash and recycling disposal receptacles for disposal of private household or business refuse.

5.2 No Owner, Manager, or Tenant may include more than 5% by volume of recyclable materials in their refuse.

5.3 Every owner or manager of a multi-family dwelling unit or of a commercial property or institution must develop and maintain a written plan for refuse storage and disposal. This plan must be available if requested by the Board of Health or its agent.

#### *Part II: Recycling and Other Discarded Items Requiring Special Handling*

The DPW provides a list of materials accepted for disposal at the Amherst Transfer Station and Recycling Center and any applicable disposal fees. Information on the State Sanitary Code can be found at: [www.mass.gov/state+sanitary+code+regulations](http://www.mass.gov/state+sanitary+code+regulations)

5.4 Every Owner, Manager, or Tenant must separate recyclable paper and mixed containers from commercial or household refuse, and unless a variance has been approved by the BOH or its agent, contract with a licensed hauler for recycling collection.

(A) Every Owner or Manager who receives curbside recycling services shall place a blue recycling bin for paper or a red recycling bin for mixed containers at the curb for alternating weekly collection by their contracted hauler. Standard curbside recycling bins are available at the DPW and the Transfer Station. Other lightweight, durable containers not exceeding 18 gallons in size are also acceptable. Residential and multifamily Property Owners or Managers are responsible for obtaining replacement recycling bins.

(B) Every Owner, Manager, or Tenant of a multifamily dwelling unit and Owner, Manager, or Tenant of a commercial property or institution must develop and maintain a recycling plan. The assistance of the Town of Amherst Recycling Coordinator is available. This plan must be available if requested by the Board of Health or its agent.

5.5 Every Owner, Manager, or Tenant shall be responsible for the proper disposal of banned, electronic and hazardous waste and any other materials requiring special handling.

5.6 If generated waste exceeds the volume specified in the existing waste hauler contract for weekly removal, the Owner, Manager, or Tenant must make special arrangements for the excess or bulky waste to be removed within one week.

#### **Section 6--Ownership of Recyclables**

6.1 Upon placing recyclable materials at curbside for collection as part of the Town recycling program, such materials become the property of the Waste Hauler. No person or business, other than licensed or authorized agents of the Town acting in the course of their employment, may collect any recyclable materials so placed.

6.2 Any licensed Waste Hauler may become a “designated Waste Hauler for the Town of Amherst” by applying at the DPW. Such designated Waste Haulers may access the Springfield

Materials Recycling Facility and must bring all recyclables collected in Amherst to the Springfield Materials Recycling Facility. These recycling tonnages shall be credited to the Town of Amherst.

### **Section 7--Penalties**

7.1 Any Waste Hauler violating any provision of these regulations shall be fined two hundred and fifty dollars for each such violation.

7.2 Any Owner, Manager, or Tenant who violates Sections 5.1, 5.2, 5.5 and/or 5.6 shall be fined a minimum of fifty dollars and not more than five hundred dollars for each week of such violation, as adopted here by the Board of Health and authorized by Chapter 105, Sections 410.910 and 410.920, of the CMR. Should the Town of Amherst correct or resolve the violation, the Owner, Manager, or Tenant must reimburse the Town for all costs incurred.

7.3 Any Owner or Manager who violates Section 5.3 shall be fined fifty dollars for the first month and fifty dollars per day for each day thereafter that the violation continues.

7.4 Any Owner, Manager, or Tenant who violates Section 5.4 shall be fined fifty dollars each week of each such violation for the first month and fifty dollars per week thereafter.

7.5 The Town of Amherst may pursue a criminal complaint against any party with four or more violations of these regulations within a one-year period. The Town of Amherst may also revoke the license of any Waste Hauler with four or more violations of these regulations within a one-year period.

7.6 All amounts collected from the fines shall be deposited into the Solid Waste Enterprise Fund.

### **Section 8--Enforcement**

8.1 The provisions of these regulations shall be enforced by the Town of Amherst BOH, DPW, and Police Department. These agencies and their employees and agents are hereby designated as the Enforcement Agents of the Town of Amherst and have the authority to issue citations pursuant to these regulations.

8.2 The following may be done by designated Enforcement Agents:

A) Enforcement Agents may contact Waste Haulers to ascertain that service contracts and services are maintained at the minimum designated in these regulations.

B) Enforcement Agents may inspect refuse and recycling receptacles.

C) If a complaint regarding a property is received by authorized Agents, or if the Agent has information that illegal dumping is taking place, or that banned materials/hazardous wastes are

included in refuse; Enforcement Agents may enforce these regulations through spot checks at any point from the place of pick-up to the place of disposal.

8.3 Any violation may be subject to the penalties outlined in Section 7 of these regulations and/or a non-criminal disposition pursuant to Chapter 40, Section 21 D, and/or Chapter 111, Sections 31, 31A, 31B and 150A, of Massachusetts General Law.

### **Section 9--Appeal**

9.1 Any party cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the Town of Amherst BOH within seven days, excluding Saturdays, Sundays, and legal holidays, from the date of said citation. A hearing will be held within 60 days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the applicant at least two weeks prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the BOH.

### **Section 10--Variances**

10.1 The BOH or its Agents, under the provisions of Chapter 105, Section 400.800, of the CMR, may allow variances to these regulations. Residents interested in applying for a variance must use a Variance Request Form available at the DPW. The Variance program allows residents and businesses to bring refuse and recyclables to the Amherst Transfer Station and Recycling Center. Refuse is accepted on a "pay as you throw" basis. A permit is required. For more information contact the DPW.

### **Section 11--Severability**

11.1 If any section of these regulations is declared invalid or unenforceable for any reason, that decision shall not affect any other section of these regulations that shall remain in full force and effect.

### **Section 12--Amendment Process**

12.1 These regulations may be revised or amended by the BOH.

12.2 Any revision, amendment of, or addition to, these regulations shall take effect after a majority vote of the BOH.

These regulations are effective July 16, 2009.

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